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remainders, except that no seat is to be assigned to any group not having at least the quota of votes. This provision seems rather out of harmony with the rest of the law and with the proportional principle, for it denies a representative to a group with one vote less than the quota, while granting other groups an additional representative for a mere fraction of the quota. The law does not expressly state in what order the seats allotted a group are to be distributed among its candidates. But the appended "illustration of the operation of the foregoing rules" shows the intent to be that the seats shall go in order to the candidates receiving the highest votes. Only in case of a tie is the order of names on the official ballot to be the deciding factor. Thus the independent voters have the power to decide which of the candidates of any one group, or even of all the groups, are to obtain seats, and intelligent and discriminating voting is encouraged.

Under the Swedish law, as well as the Cuban, there is no transfer of votes. The "d'Hondt quota," the most complex but probably the most accurate, is to be used to determine the allotment of seats to the different groups. The total for comparison is to be for each party "the numerical total of the group;" for the "free-group" the vote of its highest candidate. By successive countings within each group a list of the candidates is "arranged proportionally, not by majority principles according to the votes obtained and to the order of the names in the ballot papers." The seats allotted each group go to its candidates in the sequence in which they are thus listed. It is said that "the system appears to succeed in avoiding the characteristic evils of the 'list' systems without however adopting the method of the transferable vote."

The Tasmanian law, unlike the Cuban and the Swedish, makes no provision for vacancies except by holding a new election. According to the Cuban law the non-elected candidates of a group are to be the alternates of those it elects, succeeding to vacancies among them in the order of the vote each receives, unless the governing authority of the group submits to the proper electoral board proof that the alternate next in line is no longer affiliated therewith. By the Swedish law a vacancy occurring in a group's representation is to be filled from its non-elected candidates by a new count of votes within the group.

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Public Utilities. The regulation and control of public service corporations by State commission or other State authorities, and the extension of such regulation and control when already adopted, was given much

attention by several legislatures at the sessions of 1908. The net results, in laws enacted, however, was slight.

New York. In New York Governor Hughes with the approval of the public service commission recommended that telegraph and telephone companies be placed under the control of the commission. Bills to that end were introduced, but failed of passage. At the special session which convened May 11, 1908, the governor renewed his recommendation and again the legislature refused, the bills being defeated in the assembly in each session.

Ohio. The Ohio legislature also considered a public utility measure. A railroad commission law almost identical with the La Follette law of Wisconsin had been enacted by the legislature of 1906. A measure was introduced this year closely following the provision of the new public utility law of Wisconsin, with all of its advanced features, including the indeterminate franchise and uniform accounting provisions. The bill failed of enactment.

New Jersey. The New Jersey legislature considered several bills which proposed to give control of all public utilities to a State commission. New Jersey has problems peculiar to itself. Its proximity to the great cities of New York and Philadelphia and its position in the path of travel make a network of railways, street railways, electric and other utility works inevitable. The density of population and its rapid increase render the problem still more complicated. The political conditions moreover, do not conduce to a favorable settlement of such problems as the control of public service corporations. At the session of 1907 a railroad commission was established with exceedingly limited and infirm powers. The commission could regulate service but not rates. The law was carelessly drawn and ill-considered. The attorney-general of the State said, in an opinion to the commission, "the notorious haste with which it was prepared and passed on the eve of the adjournment of the legislature has left much to be desired in the way of supplement or amendment." Proposals for strengthening the weak places were made by the commission, but the majority of the commission refused to take advanced ground on the matter of extending their powers to rate making. One member advocated a public utility commission with adequate power to regulate service and rates. The remaining two were reactionary, doubting the wisdom of giving rate making power to a commission. The majority did not express an opinion in regard to the creation of a public utilities commission, but the inference from their report was strongly against it. Three measures were introduced. One

bill conformed to the public utility law of Texas with its provisions for court adjudication of rates. Another was modeled on the New York law of 1907. A third gave power to a commission to regulate the service of public utility corporations, but gave no rate making power. Opinion in the legislature followed the cleavage of opinion in the railroad commission. A deadlock ensued between the senate and the house of assembly and as a result no legislation was enacted.

Porto Rico. The only important public utility legislation enacted during the year was the public service corporation act of Porto Rico which was passed by the legislative assembly, and approved March 12, 1908. The act applies to all public service corporations "owning, operating, managing or controlling any railroad, street railroad, express, train, sleeping car, freight, freight line, ferry property or enterprise" and all equipment and services connected therewith, which are operated by virtue of a franchise or concession as common carriers, and to all plants for the manufacture and distribution of illuminating gas, or electricity for light, heat, or power, or for selling or distributing water for any purpose, or any plant for the conveyance of messages for compensation. The executive council of the island is vested with control over such corporations. The council is given power to inquire into the management and business of all public service corporations, touching in particular their organization and finances in detail, character of service, charges and all agreements with persons or corporations relating to its services. Examination may be made by the council or by a committee or sub-committee of its members and full power is given to compel the attendance and testimony of witnesses, production of books and so forth. The council may require annual reports, covering the details of the organization, property, finances and management, in such form and at such times as they may determine.

On or before July 1, 1908, all public service corporations not acting under a franchise granted by the executive council, are required to submit schedules of charges, relative to conditions of service, enforced by them and such as they desire to continue in the future. The executive council may then examine and amend in any manner deemed necessary and promulgate the schedule of charges which are to be enforced by the corporation in the future. This section was made to apply only to corporations not created by ordinances of the executive council. The same power already existed to regulate public service corporations whose franchises were given by the executive council, by virtue of section three of the act of congress passed May 1, 1900, which required the executive

council to regulate charges in the franchises or concessions granted. All power hitherto granted to any authority in the island to regulate public service corporations are by this act expressly transferred to the executive council.

Discrimination in rates or service concessions and rebates in any form or by any pretense whatever are forbidden under heavy penalties. The executive council may issue general orders relative to conditions of service especially for the protection or promotion of the health, security, comfort and convenience of the public and may in the interest of the people or the corporation in emergent cases to prevent injury suspend any rate, schedule, or order affecting one or more public service corporation or any portion thereof.

Complaints may be made to the executive council by any person or corporations, setting forth the facts in writing. The council thereupon submits a copy of the complaint to the public service corporation complained of, and if satisfactory answer or action is not secured, the council may, if there appears to be reasonable ground, investigate the charges and make such orders as they may deem proper.

The law requires that "every public service corporation shall furnish such service and facilities as shall be safe, adequate, and sufficient," and the executive council is given full power to enforce the provision by investigation and proper orders.

Penalties are provided against public service corporations and their responsible officers for violation of the provisions of the act or, of orders of, the executive council; likewise for omissions and falsifications in reports or statements made to the council. All "regulations, orders or resolutions of a general nature" issued by the executive council take effect immediately, but all such orders must be submitted to the legislative assembly at the next session. If approved by the assembly they become permanent in the manner approved, but if not approved they are to be no longer in force.

The law seems to omit no provision which could render it more effective. The executive council is vested with full power in the words of the law "equitably and effectively to regulate the charges of said corporations and the conditions of service." The law presents one new feature in the regulation of public service corporations, namely, the participation of the legislative assembly through their required approval of all general orders of the executive council affecting public service corporations.

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